

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

CASE NO. CR02-17 RSM

Plaintiff,

**REVISED PROPOSED FINDINGS OF  
FACT AND DETERMINATION  
AS TO ALLEGED SUPPLEMENTAL  
VIOLATIONS OF SUPERVISED  
RELEASE**

v.

KAMAU CURNAL,

Defendant.

INTRODUCTION

An initial hearing was held on December 5, 2005 to address alleged violations of supervised release in this case. On December 7, 2005, a probation petition was filed with the Court to incorporate supplemental violations. I conducted a hearing on the alleged supplemental violations of supervised release on December 14, 2005. The United States was represented by Ron Friedman. The defendant was represented by Thomas Campbell. The proceedings were recorded on disk.

CONVICTION AND SENTENCE

Defendant had been convicted of Conspiracy to Distribute MDMA (Ecstasy), on or about October 25, 2005. The Hon. Ricardo S. Martinez of this court sentenced Defendant to 30 months of confinement, followed by three years of supervised release.

The conditions of supervised release included requirements that defendant comply with the standard 13 conditions.

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DEFENDANT'S ADMISSION

At the December 5, 2005 hearing defendant admitted to violations one and two:

- (1) Using marijuana on or before August 2, 2005; August 3, 2005; August 9, 2005; September 29, 2005; October 11, 2005 and October 13, 2005, in violation of standard condition number seven.
- (2) Failing to report for drug testing as instructed on August 23, 2005, in violation of supervised release requiring participation, as instructed by the probation officer, in a program approved by the probation office for treatment of narcotic addiction, drug dependency or substance abuse, which may include testing to determine if the defendant has reverted back to drugs or alcohol.

At the December 14, 2005 hearing, USPO Michael Larson alleged Defendant violated the conditions of supervised release in three respects:

- (3) Using amphetamine on or before November 8, and November 30, 2005, in violation of standard condition number seven;
- (4) Using methamphetamine on or before November 8, and November 30, 2005;
- (5) Failing to report for drug testing as instructed on November 4, November 10 and November 14, 2005, in violation of the special condition of supervised release requiring participation, as instructed by the probation officer, in a program approved by the probation office for treatment of narcotic addiction, drug dependency or substance abuse, which may include testing to determine if the defendant has reverted to the used of drugs or alcohol.

I advised the defendant of these charges and of his constitutional rights. Defendant admitted violation numbers three through five, waived any hearing as to whether it occurred, and consented to having the matter set for a disposition hearing before the Hon. Ricardo S. Martinez.

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PROPOSED FINDINGS

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## RECOMMENDED FINDINGS AND CONCLUSIONS

Based upon the foregoing, I recommend the court find that Defendant has violated the conditions of his supervised release as alleged and set the matter for a disposition hearing.

Defendant shall remain detained pending a final determination by the court.

DATED this 4th day of January, 2006.

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MONICA J. BENTON

United States Magistrate Judge

cc: Sentencing Judge : Hon. Ricardo S. Martinez  
Assistant U.S. Attorney : Ron Friedman  
Defense Attorney : Thomas Campbell  
U. S. Probation Officer : Michael Larson